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Petitioner, Pro Se

**MONTANA 1st JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

Public Service Commissioner Brad Molnar) Cause No. BDV-06-372
on behalf of Residents of Public Service)
Commission District 2 and all others)
served by NorthWestern Energy.)

Plaintiff

Vs.

Montana Public Service Commission,
PPL Montana LLC

Defendants.

AMENDED
BRIEF IN OPPOSITION OF
MOTION TO DISMISS FILED
BY DEFENDANT PPL
AND REQUEST THAT THIS
) SUPPLEMENT, AND BE
) INCORPORATED INTO, BRIEF
) IN OPPOSITION TO MOTION TO
) DISMISS FIELD BY PSC

INTRODUCTION

Brad Molnar plaintiff on behalf of, and as representative of, the people of PCS District 2 served by default provider NorthWestern Energy, and all others similarly situated, submits this brief in opposition to the PPL Montana, LLC's Motion to Dismiss.

BACKGROUND

On May 24, 2006 incumbent Public Service Commissioner Brad Molnar, appearing Pro se, "on behalf of Residents of Public Service Commission District 2 and all others

(2)

Similarly situated, filed Complaint in this court naming the Montana Public Service Commission (PSC) and “PPL Montana, LLC” (PPL) as defendants. In the complaint Commissioner Molnar alleges that the action taken by the PSC on May 25, 1999 in PSC Docket No. D99.4.82 was done with purposeful and numerous violations of state law and Federal law, with the ultimate intention of circumventing state law, and to mislead a Federal agency. These acts are admitted by defendants and were done to prematurely, imprudently, and illegally deregulate the old Montana Power Company so as to increase the value of, and expedite the sale of, their generation assets to PPL. This was done via the PSC, a state agency with powers limited to inside the exterior borders of Montana, granting the EWG status in Montana to PPL, a company with no generation assets in Montana at the time of the granting.

AMENDMENT IN OPPOSITION TO DISMISS

In recognition of the pending oral arguments Plaintiffs will not answer the last responses of the co-defendants. Rather we offer the following Appendixes to augment the original complaint.

Appendix (A) Chapter 505

Appendix (B) MEMORANDIUM (Admission of guilt)

Appendix (C) FERC Rule on material change of fact

Appendix (D) Federal law on EWG status

Appendix (E) PPL Plans to not provide Montana with power

Appendix (F) Actual PSC determination of EWG

Thank you for your consideration

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing action of Brad Molnar et al has been previously served upon the following persons by first class mail, or by hand delivery.

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Robin McHugh

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Brad Molnar _____